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West Des Moines City Council Proceedings
Monday, April 21, 2014

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 21, 2014 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and K. Trevillyan.

Mayor Gaer welcomed the sixth grade students from Fairmeadows Elementary School participating in Student Government Day. The following students were introduced and the role they were playing: Tim Anson, Mayor; Lillian Barker, Council member First Ward; Jake Umble, Council member Second Ward; Sarah Dorn; Council member Third Ward; Annalyn Poulsen, Council member at Large; Keir Wilson, Council member at Large; Kolbe Luinstra, City Manager; Abigail Bylund, City Attorney; Aiden Drake, City Clerk; and Audrey Hronich, Deputy City Clerk.

On Item 1. Agenda. It was moved by Messerschmidt, second by Sandager approve the agenda as presented.

Vote 14-115: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum:

Jeff Magner, representing the ACE Mentor Program, explained that the program gives high school students an opportunity to collaborate with professionals on projects related to architecture, construction, and engineering. He introduced three students from Southeast Polk High School – Devin, Andy, and Tanner – who presented their design for a conceptual expansion to the West Des Moines Public Library.

On Item 3. Council/Manager/Other Entities Reports:

Police Chief LaDue introduced Police Officer Andy Hofbauer, who was then sworn in by Mayor Gaer.

Council member Sandager reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on the potential renaming of 105th Street, and the subcommittee recommended it be named Grand Prairie Parkway. He reported he also attended a BRAVO Board strategic planning session, during which discussion was held on the possibility of reducing the number of board members.

Council member Trevillyan reported he served on the interview committee for the recruitment of a new Executive Director for the Metro Waste Authority, and the MWA Board is expected to

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appoint Reo Menning at its April 30th meeting. He also reported he attended a meeting of the Code Enforcement Subcommittee, where discussion was held on issues with the service desk system that has been fixed by the ITS Department and a resident dispute (4901 Dakota Drive) over a tree that is dropping branches.

Council member Mickelson reported he participated on the interviewing panel for the vacant President position with the West Des Moines Chamber of Commerce, and the Chamber plans to extend an offer to one of the candidates.

Council member Messerschmidt reported he attended a meeting of the Public Works Subcommittee, where discussion was held on ADA guidelines for sidewalk ramps at intersections and how to bring all the city's ramps into compliance. He also reported he attended the inaugural meeting of the newly-formed City-School Collaborative, made up of representatives from the City of WDM, the WDM School District, and the Waukee School District, and that group scheduled its next meeting in June. He also attended a meeting of the Taxpayers Association of Central Iowa regarding the taxation of public schools.

Interim City Manager Jody Smith introduced Greg Hansen, who was recently hired as Superintendent of Recreation. He also reported the bid opening for the Holiday Park Youth Baseball Field Improvements, which was previously scheduled for April 23rd, has been postponed to April 30th because the engineer made significant revisions to the plans and specifications. He noted staff believes the one-week delay in taking bids on this project will not affect the previously scheduled Council consideration of awarding a contract at the May 5th Council meeting.

Mayor Gaer expressed appreciation to everyone who helped with the Project Alluvion press conference on April 18th, and he expressed appreciation to Microsoft for the significant investment they are making in West Des Moines.

On Item 4. Consent Agenda.

It was moved by Sandager, second by Mickelson to approve the consent agenda as presented.

- a. Approval of Minutes of April 7, 2014 and April 16, 2014 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 2. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 3. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal

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4. IA Lodging West Des Moines TRS, L.L.C. d/b/a Marriott West Des Moines Hotel, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales and Catering Privileges - Renewal
5. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
6. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, 6255 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
7. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges - May 13, 2014
8. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales - New
- d. Approval of Amendments to Professional Services Agreements:
 1. South 105th Street, Mills Civic Parkway to Wendover Road
 2. Grand Technology Gateway Study
- e. Approval of Consulting Services Agreement - Police
- f. Approval of 28E Agreement - West Des Moines Community School District - Access to WestCom Communications System
- g. Approval of Professional Services Agreement - Update of Design Standards Manual and Construction Specifications
- h. Terminating the Highway 5 Urban Renewal Plan and Determining the Necessity and Setting Dates of Consultation Meeting and Public Hearing - Alluvion Urban Renewal Area
- i. Approval of RISE Grant Application
- j. Order Construction:
 1. Grand Avenue Trail, Raccoon River Park to Fuller Road
 2. 2012 Sidewalk Improvement Program - Phase 2
 3. 2014 Sewer Lining Program
- k. Accept Work - 2013 Sewer Cleaning and Televising Program
- l. Establish Public Hearing - Renaming of 105th Street to Grand Prairie Parkway
- m. Approval and Acceptance of Purchase Agreement - Temporary Construction Easement for the 2014 PCC Reconstruction Program
- n. Approval of Proclamations:
 1. Affordable Housing Week, April 21-26, 2014
 2. Arbor Day - April 25, 2014

Vote 14-116: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

Mayor Gaer read Proclamation – Affordable Housing Week.

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On Item 5(a) Fareway, 329 Grand Avenue - Establish a Planned Unit Development in Keeping with the Grand Avenue Redevelopment Plan for Construction of a Grocery Store, initiated by Fareway Stores, Inc.

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 14-117: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 14-118: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Sandager, second by Mickelson to waive the third reading and adopt the ordinance in final form.

Vote 14-119: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(b) Recodification of City Code, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the second reading of the ordinance.

Vote 14-120: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 14-121: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 14-122: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

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On Item 5(c) Grand Avenue East Stormwater Connection Fee District, generally bounded on the east by 1st Street, Hoak Drive and the railroad right-of-way, on the south by Prospect Road, on the west by the ridge line of the basin extending between 8th Street and 10th Street and on the north by Ashworth Road, 8th Street and Clegg Road - Establishment of District and Fees, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Sandager to consider the second reading of the ordinance.

Vote 14-123: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 14-124: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 14-125: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 5(d) Brody Place Estates, south of Ashworth Road between future 81st and 84th Streets - Amend the Comprehensive Plan Land Use Designation from Office (OF) to Single Family Residential (SFR) and Rezone the Property from 'Unzoned' to Residential Single Family (RS-20), initiated by Willmington Group

Interim City Manager Jody Smith reported that, after the Council asked the Willmington Group to meet with the neighboring property owner Arminda Rogers, Ms. Rogers has since agreed to have her property included in the Comprehensive Plan Amendment and Rezoning. He stated staff suggests, if the Council wishes to move forward with the proposal, that the Council approve the Resolution and the first reading of the Ordinance with a condition to revise the legal description so that it includes the property of Ms. Rogers. He noted since the Plan and Zoning Commission recommended denial of the request, both action items would require at least four votes in favor from the City Council for approval.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment, with a condition that the legal description be updated to include the property of Arminda Rogers prior to recordation.

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Vote 14-126: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 14-127: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance, with a condition that the legal description be updated to include the property of Arminda Rogers prior to consideration of the second reading.

Vote 14-128: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Valley Junction Business District Sidewalk, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 28, 2014 and April 4, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Proposed Resolution of Necessity and Resolution - Order Construction.

Vote 14-129: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 139 6th Street Building Renovation, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 4, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract

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to Breiholz Construction Company.

Vote 14-130: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Woodland Park Sanitary Sewer Rehabilitation, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 11, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Mickelson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to H&W Contracting, LLC.

Vote 14-131: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2014 Intake Repair Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 11, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Underground Company, Ltd.

Vote 14-132: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2014 Sanitary Sewer Cleaning and Televising Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 11, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Motion to Defer Action to Award Contract to May 5, 2014.

Vote 14-133: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 6(f) Sheraton and North Slope Lift Station Improvements, initiated by the City of West Des Moines

Mayor Gaer noted staff is recommending approval of a Motion to Cancel the Public Hearing because no bids were received.

It was moved by Sandager, second by Mickelson to adopt Motion to Cancel Public Hearing.

Vote 14-134: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(a) Roto Rooter, 313 Grand Avenue - Plat One Lot for Ownership Transfer and One Street Lot, initiated by Roto Rooter Corporation

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 14-135: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(b) Fareway, 329 Grand Avenue - Demolition of Former Tokens Building and Adjacent Parking Lot and Reconstruction of New Grocery Store and Parking Lot, initiated by Fareway Stores, Inc.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Prior to issuance of a building permit, the Applicant will need to dedicate to the City additional right-of-way along Grand Avenue, 4th Street, and Ashworth Road to meet Comprehensive Plan requirements and as identified in the traffic study for the project dated January 21, 2014.

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2. Prior to issuance of a building permit, the Applicant will need to provide the following executed documents relating to the redevelopment:
 - a. Streetscape Easement
 - b. Agreement to install streetlights when electrical service is placed Underground
 - c. Storm Sewer Easement
 - d. Pedestrian Easement - for the streetscape area
 - e. Lot Tie agreement to allow one development across both lots
 - f. Cross Access Easement
 - g. Development Agreement on Storm Water District participation
 - h. Hold Harmless agreement and easement for directional signage for Ashworth Road driveway
 - i. Warrantee deed and related documents for right-of-way dedication
3. Prior to issuance of a building permit, the Applicant will need to provide revised Site Plan drawings that incorporate any review comments on the recent revised landscape plan.
4. Applicant agrees to remove the billboards located along the east property line at the expiration of the current lease agreement.
5. Site Plan approval is contingent on final adoption of the Fareway PUD by the City Council.

Vote 14-136: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(c) Teamsters - Library Local #238 and City of West Des Moines - July 1, 2014 to June 30, 2017 Contract Period, City of West Des Moines and Local 238

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Acknowledgement of Recommended Contract.

Vote 14-137: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 5 (Police Regulations), Chapter 3 (Animal Control), Article A (Dogs and Cats), Section 5 (Issuance of License; Evidence of Vaccination) - Remove Duplicative Language, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Sandager to consider the first reading of the ordinance.

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Vote 14-138: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Sandager to approve the first reading of the ordinance.

Vote 14-139: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 5 (Rules of the Road), Article B (Speed Regulations), Section 6 (Control of Vehicle; Reduced Speed) - Adopt Iowa Code Section 321.288 by Reference, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Mickelson to consider the first reading of the ordinance.

Vote 14-140: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 14-141: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 8(a) Paradise Pointe Specific Plan Amendment, northwest corner of South 64th Street and Mills Civic Parkway - Amend the Specific Plan Ordinance to Allow an Additional Restaurant Drive-Thru - Jordan Creek Investments - Referred to Plan and Zoning Commission

On Item 8(b) Depot at Ashworth, 7585 Ashworth Road - Amend Planned Unit Development to Remove Requirement for Architecture Incorporating 1900's era Railroad Depot/Station Motif - 74th & Ashworth, LLC - Referred to Plan and Zoning Commission

On Item 8(c) Public Services Facility - Master Plan - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:22 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
Deputy City Clerk

ATTEST:

Steven K. Gaer, Mayor